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REPORT ON THE PETITION CONTAINING ALLEGATIONS AGAINST SRI B. HANUMANTHE GOWDA, FIRST CLASS MAGISTRATE, RAMANAGARAM.

The petition under enquiry dated 6/11/52 is directed against the Magistrate, Ramanagaram, seeking for his transfer from that place, on the ground that his conduct is inconsistent with the duties of the office he holds, as he is found to accompany lawyers to the Court and invites parties and lawyers to his house for consultations and advice in the conduct of the cases, pending in his Court and as "the entire Taluk is echoing that we should all pay liberal moneys, to the Magistrate in order to appease him and help our cause".

The remarks of the Magistrate were called for. He emphatically denies the allegations and suspects one V.Nanjappa to be "at the bottom of this mischievous and spurious petition". He further states that the said Nanjappa who has figured as a witness for the prosecution in C.C.992/52-53 on the file of his Court on 29/10/52 and on 5/11/52, refused to answer certain questions put by one of the accused who was undefended; and that the witness even warned the accused not to put such questions. The Magistrate had to intervene and call him to order to maintain the dignity and prestige of the Court. The Magistrate thinks that the witness (Nanjappa) might be nursing some grievance against him on the ground of a supposed slight caused to his prestige in that connection.

The petition is signed by 21 persons of whom 17 (marked S.Nos.1 to 17) were examined. The remaining 4 were not available according to the Police Report. 7 persons (marked R.Nos. 1 to 7) who were referred to or otherwise involved in the examination of the signatories were examined. Besides these six other independent persons (marked D.No.1 to D.No.6) were also examined and finally the examination of the Magistrate concluded the enquiry.

The enquiry could not be otherwise than of a summary nature. A few questions relating to the facts disclosed in the petition were put to the witnesses and their answers recorded substantially in their own words. The statements recorded were read to the witnesses signed and admitted by them to be correct. The answers are not tested by cross-examination.

Of the signatories, Chikkegowda, Ramakrishniah, Singegowda, Syed Ibrahim, Abdul Karim, Ramiah, Patel Tibbe Gowda and Syed Hashim (S.Nos.1,3,8,9,10,11,15 and 16) state that they do not know where and by whom the original of the petition was written. Bhadriah (S.No.2) has stated that the original of the petition was drafted in Kannada in the house of Nanjappa by Nanjappa himself. Ramakrishniah (S.No.3) says that he signed the petition in English in the house of Nanjappa at Bangalore. A good number of the witnesses are certain that the petition was got typed at Bangalore; and most of them affixed their signatures at Bangalore, and were also present when the petition was

presented to the Law Minister.

A number of signatories admit that they are incapable of reading or understanding the petition and affirm that the petition was not read out and the contents made known to them before their signatures were obtained (Vide S.Nos.1,3,4,11,14,15 and 17). The reasons ~~for~~ advanced for signing the petition by some of the signatories are rather interesting and may be noted at this stage. Chikkegowda, (S.No.1) still a student, states that Subbiah Reddy made him sign the petition representing that it was to be submitted to Government in the matter of some hospital. Bhadriah(S.No.2) deposes that Nanjappa (R.No.6) obtained his signature under compulsion and threat of working against his interest in some temple dispute. Thibbe Gowda (S.No.16) was induced to sign on the representation that the petition related to a case decided against him by the Magistrate. Hanume Gowda (S.No.5) signed it at the instance of Chikkanarasimhiah Reddy (S.No.6) and adds that he did so as he felt annoyed at the humiliation, which Nanjappa was put to by the Magistrate in having allowed cross-examination touching personal matters, and that he felt no compunction in signing a petition for a mere transfer which he (the witness) considered harmless. Singe Gowda (S.No.8) states that he signed the petition for transfer as Chikkanarasimhiah Reddy, Karim Sab and Shivanna told him that the Magistrate was giving trouble to the public. Thimmiah (S.No.17) states that believing

Chikkanarasimhiah Reddy and Shivanna who are well known to him, he signed the petition. Abdul Karim (S.No.10) affirms that his signature was obtained by Chikkanarasimhiah Reddy (S.No.6) and Shivanna (S.No.7) and some eight or ten other persons, near the Railway Station, Ramanagaram. Ramiah(S.No.11) states that at the instance of one Channamare Gowda and in the presence of Chikkanarasimhiah Reddy, Shivanna and some others numbering twenty or thirty all of whom pressed him to sign, he signed the petition on account of friendship. Yousuf Ali Khan (S.No.13) agreed to sign on the assurance of Chikkanarasimhiah Reddy and his younger brother Subbiah Reddy that the allegations in the petition are true. Syed Ibrahim (S.No.9) was made to sign by Chikkanarasimhiah Reddy on the representation that he entertains doubts regarding the Magistrate in the case against one Abdul Khalk. Chikkabhadre Gowda (S.No.4) states that he signed the petition on the strength of the representations made by Karim Sab and Subbiah Reddy. Ramakrishniah (S.No.3) signed it as Shivanna, Subbiah Reddy, Karim Sab, Chikkanarasimhiah Reddy represented that no justice could be got in the Magistrate's Court and the said representation was confirmed by Lawyer Puttanarasiah. Byrappa (S.No.14) signed it at the request of Shivanna, Chikkanarasimhiah Reddy and his younger brother Subbiah Reddy and Karim Sab, Lawyer Puttanarasiah (R. No. 4) states that Ramakrishniah was a witness in a defemation case and was examined on 6/11/1952. It ended in discharge the order having been pronounced.

on 14/11/1952; that Ramakrishniah is not his client and he had no reason to have any confidence in him nor has he any reason to entrust any confidence in him and that after he examined Ramakrishniah as a witness, he never saw him. There was thus no reason to tell him anything before 6/11/1952. Many of these signatories have no cases in the Court of the Magistrate, and are not aware of the allegations made in the petition (Vide S.Nos.1,2,3,4,5,11 and 14). It is also stated by some of them that the allegations are not true to their knowledge and that they are not able to substantiate them otherwise. It is thus made amply clear that Chikkanarasimhiah Reddy, Shivanna, Subbiah Reddy and Karim Sab have prevailed upon the signatories to sign the petition by some kind of inducement or misrepresentation.

All these, except Subbiah Reddy, who was not available, were examined and their evidence will be considered later on in their appropriate contexts.

One of the allegations in the petition is that the Magistrate invites the parties or lawyers to his house, and it is surmised that this has its origin in the examination of Nanjappa as a witness in the Court. R.No.6 Nanjappa states that the Magistrate allowed the accused to cross-examine him about his home and private affairs and he holds the Magistrate responsible for the humiliation caused to him. His brother-in-law M.Siviah (S.No.12) also states that as the lawyer was

going to the house of the Magistrate he suspected that the Magistrate himself had told him about that and got the questions asked. The accused was undefended in that case and no lawyer had any concern. It looks as if the reference is to lawyer Siddaramiah as the witness states that Siddaramiah was seen moving about with the Magistrate and that he had also gone one evening to the house of the Magistrate. Nanjappa (R.No.6) who is examined, subsequently supplements this information by stating that Hanume Gowda told Shivanna in the latter's house on 29/10/52 that on a day, prior to the hearing, Bhadragiriah, Lawyers Kempiah and Siddaramiah were talking in the Kankanahalli Hotel that Nanjappa should be asked such and such questions in Court and in addition B. Shivanna also told him that he saw Marisiddiah going to the house of the Magistrate. This is clearly an improvement on the evidence of Hanume Gowda (S.No.5) who states that he signed the petition for transfer solely owing to the annoyance caused to him by the attitude of the Magistrate. Moreover, Shivanna(S.No.7) who was examined earlier states that he saw Marisiddiah coming from the side of the Magistrate's house and not going to the Magistrate's house. Further if the information given to Nanjappa was on the morning of 29/10/52, it would have been impressed on the mind of Shivanna (S.No.7) as he admits that Nanjappa stops in his house, that on the days the case was being heard, he was going to the court in the

company of Nanjappa and that he vividly remembers the undignified and vexatious questions put to Nanjappa by the opposite side. In this context, it is unlikely that he could forget about Hanume Gowda's information; he has not only not stated anything about Hanume Gowda, but has not mentioned the day or the time but only stated that he saw Marisiddiah coming from the side of the Magistrate's house a month ago. The statements are indefinite and these are to be weighed in the context of the feelings of Nanjappa, Shivanna (S.No.7), his brother-in-law Mr.Siviah (S.No.12) and other partymen. B.Shivanna (S.No.7) further states that lawyers Siddaramiah and Ramachandra Rao, were saying that the Magistrate is on their side and that they would succeed in all cases, that Siddaramiah would be going to the Magistrate's ~~Court~~ house, but that it is not possible to give the time or the date. Singe Gowda (S.No.8) deposed that on one night as he was returning after witnessing a cinema show, he saw lawyer Siddaramiah and the Magistrate near the gate of the Magistrate's house, and that later, he met one Doddaiah, near the Travellers' bungalow and was told by him that he was going to the house of the lawyer Siddaramiah in connection with a case and that as the lawyer was found talking to the Judge, he suspected that the talk might have related to the case of Doddiah. Shiviah (S.No.12) states that he has seen lawyer Siddaramiah going to the Court with the Judge in the Bazaar Street, that Shivanna (S.No.7) who was with him then, has seen Siddaramiah and that he and Chikanarasimhiah Reddy

had seen Siddaramiah passing in front of the Magistrate's house. Shivanna (S.No.7) and Chiknarasimhiah Reddy who have been examined earlier do not support the evidence of Siviah (S.No.12) in the matter of having seen lawyer Siddaramiah either in the house of the Magistrate or walking with him outside. Lawyer Siddaramiah (R.No.5) states that he had about half a dozen cases in the criminal Court, that he had gone to the Magistrate's house once to move for adjournment, but did not go to the Magistrate privately and talk about any cases pending before him. He does not go about with the Magistrate and B.Shivanna is related to him as a cousin and he is defending the accused in a case got filed by the said Shivanna and that is why he is inimically disposed towards him. Later an attempt was made by the said Shivanna to get the case compromised but he (the lawyer) did not give his consent as the case was of a non-compoundable nature. Siddaramiah also states that it is false that he goes to the Magistrate's house or tells people that he weilds much influence with the Magistrate and that he could win all cases entrusted to him. Further there was some misunderstandings between him, Chikanarasimhiah Reddy and Shivanna during the last elections to the Indian Parliament. For these reasons they are not well disposed towards him. The state of Singe Gowda remains uncorroborated, and he only adds that if the lawyer does not admit it he cannot do anything.

Another witness, Abdul Karim, who is said to be the father of Abdul Khalak, states that he has seen the Magistrate going with the lawyers on the Bangalore-Mysore Road on two or three occasions, but that he does not know the names of those lawyers and that he has not seen parties or lawyers going to the house of the Magistrate, except some one going to his house in a car and returning therefrom. He further adds that some village ryots whose names he does not know told him that there is trouble from the Magistrate and that the Magistrate should be transferred. Syed Hashim (S.No.16) states that he saw on a certain day about a month ago, the Magistrate going to the Court with lawyer Ramachandra Rao, that he told the same to Chitte Reddy, that he worked with Chitte Reddy for Congress in the elections. Chikkanrasimhiah Reddy alias Chitte Reddy (S.No.6) admits that he wrote the original petition in Kannada and Shivaiah (S.No.12) states that Shivanna, Karim Sab and himself got it written Chikkanarasimhiah Reddy makes ~~to~~ two allegations in his examination, one is that one Rahman Khan a prosecution witness, in an assault case filed against Abdul Khalak told him on 4-11-52 that he sent through his lawyer Ramachandra Rao Rs.300/- to be paid to the Magistrate and that the proof for it was that the lawyer and the Magistrate would be walking together to the Court on 5-11-52, that accordingly he saw the lawyer and the Magistrate going together on that day and Abdul Khalak who was with him also saw them. Abdul Khalak is not produced, and Chikkanarasimhiah Reddy states that Rahman Khan

is in the opposite party and it is not possible for him to give any evidence in that respect and that if he (Rahman Khan) does not accept his statement, other proof may not be possible. Rahman Khan has been examined as R.No.3; he states that he is a prosecution witness in the assault case against Abdul Khalak, who is his brother-in-law, that Ramachandra Rao is not his lawyer and that he had no need to go to Ramachandra Rao, as he has no cases; he further states that he is not on talking terms with Chitte Reddy and that he did not meet or talk with Chitte Reddy on 4-11-52 nor did he see the Magistrate walking with Ramachandra Rao to the Court on 5-11-52; and that it is absolutely false that he sent Rs.300/- through Ramachandra Rao to the Magistrate. He states that during elections he worked for Venkatasmiah who stood for election against Chitte Reddy; and since in addition he also deposed against Abdul Khalk, Chitte Reddy was giving him a lot of trouble. He further states that Karim Sab and Chitte Reddy are bearing ill-will towards him and that the chief occupation of Chitte Reddy is to create parties and cause trouble to others. Lawyer Ramachandra Rao (R.No.1) deposes that he is conducting the prosecution case against Abdul Khalak and that he has never seen the Magistrate in connection with that case thoughhe might have approached him on prior occasions for moving for adjournment in other cases, that it may be that a person by name Abdul Rahman Khan is a witness along with 5 or 6 others on the side of the complainant, and

that it is absolutely false that that witness ever gave him Rs.300/-. He further deposes that he has never walked to the Court with the Magistrate and not at all on 5-11-52, and that it has come to him as a surprise that such allegations are made against him for the first time in his profession as a lawyer for 18 years and that the Vice-President Chiknarasimhiah Reddy, who is supporting the prosecution might have maliciously made these allegations with intent to damage his reputation. Thus the particular instance of suspected corruption set up by Chiknarasimhiah Reddy against the Magistrate falls to the ground, as being baseless. At this stage, it may be useful to gather the evidence regarding the impressions which the signatories had about the petition. Chikkegowda, Bhadriah, Chikbahadre Gowda and Ramiah (S.Nos. 1,2,3 and 11) state that the allegations of the petition are not true. Ramakrishniah and Abdul Karim and Yousuf Ali Khan (S.Nos.3,10, and 13) depose that they have not seen the parties or lawyers going to the Magistrate's house. Yousuff Ali Khan,Thibbe Gowda and Syed Hashim (S.Nos. 13,15 and 16) state that they have never heard the Magistrate asking for money. The allegation therefore of Chiknarasimhiah Reddy based on the supposed report of Rahman Khan appears to be a pure concoction made to serve his own ends. Chiknarasimhiah Reddy next alleges that he saw T.Madiah Gowda going to the house of the Magistrate at about 8-30 A.M. and B.T. Ramiah at about 9-30 P.M. on a certain day a

false. This witness also states that Chikka-appajappa belongs to the Congress, that Nanjappa and Chikkanarasimhiah Reddy tried hard to see that Appajappa was not arrested, and that when Appajappa was arrested, no charge-sheet was filed in Court. It is also disclosed in his evidence that in elections he worked for the K.M.P. Party against his brother Sivanna, Chikkanarasimhiah Reddy, Karim Sab, Hanume Gowda, Nanjappa, Subbiah Reddy and others who sided the Congress. Earlier, he was in Venkatasamiah's party and had worked against Chikkanarasimhiah Reddy and that in these connections misunderstandings arose. In addition he was engaged in assisting the Mattegoddi ryots, against whom Nanjappa had got criminal cases filed and that he was a witness for the prosecution in the Ankanahalli Murder case. For these reasons he states that the other party members are not only causing him trouble, but are also making false and untenable allegations against him. Madiah Gowda is away at Delhi and could not be examined. But a neighbour of the Magistrate one Mr.Krishnaswamy Rao, the Health Officer of the place has stated that he knows T.Madiah Gowda intimately and that he has not seen him at any time in the house of the Magistrate. The local officers of the place and some of the leading and senior members of the Bar who have been examined as independent witnesses and whose evidence is also referred to in other parts of this report, have emphatically stated that there is absolutely no

month back, later that he heard one Bhadragiri Gowda, a proseuction witness in the Ankanahalli Murder case talking to some others in Narayana Rao's hotel, that T.Madiah Gowda and B.T.Ramiah had gone to the Magistrate's house and that Chikka Appajappa would be arrested. When he heard this, he believed that T.Madiah Gowda and B.T.Ramiah might have talked to the Magistrate about Ankanahalli Murder case, and that consequently he (the witness) thought that the Magistrate was inviting parties and lawyers to his house. There is no other evidence to corroborate the statement of this witness. On the other hand, B.T.Ramiah (R.No.7) denies completely his having gone to Closepet a month back. In fact he states that he is not at all interested in Ankanahalli murder case, that he had not seen the deceased Chikalingiah Gowda nor was he acquainted with him. As he stood for election in the K.M.P.ticket in Ramanagaram Constituency Chiknarasimhiah Reddy who was working for Congress against him has dragged his name on account of party faction. Further he states that he had not met Bhadragiri Gowda at all a month back. Bhadragiri Gowda (R.No.4) deposes that B.T.Ramiah had not gone to Ramanagaram for the last 2-3 months, that he did not send either Madiah Gowda or Ramiah to see the Magistrate, and that to his knowledge they never saw the Magistrate; and adds that he had never gone to Narayana Rao's hotel at any time, and that the allegations that he was talking about Ankanahalli Murder case in that hotel is absolutely

basis that the Magistrate mixes with the lawyers or parties in or outside his house. It is thus clear that the allegation of Chikkanarasimhiah Reddy cannot be believed in the face of the other evidence. Chikkanarasimhiah Reddy struck me as a subtle politician, whereas Rahman Khan and Bhadragiri Gowda impressed me as being straight forward and honest witnesses. The evidence of Rahman Khan and Bhadragiri Gowda have a ring of truth in them and bona fides and are preferable to that of Chikkanarasimhiah Reddy.

To understand the psychology of the persons who have got up the petition, an examination of the background as disclosed in the evidence appears to be necessary. There are three political parties in Ramanagaram- the K.M.P. Party, Venkatasamiah's party and Congress Party. The Congress is on one side fighting against both the other parties; Nanjappa, Chikkanarasimhiah Reddy, Shivanna, Karim Sab and Hanume Gowda and others are on the side of the Congress, B.T.Ramiah and Bhadragiri Gowda are on the side of the K. M. P. party. Venkatasamiah has the support of a number of people like Rahman Khan and others. Abdul Khalak, son of Karim Sab is the President of the Municipality and Chikkanarasimhiah Reddy is its Vice President. No secret is made of the fact that Chikkanarasimhiah Reddy is working on the side of Abdul Khalak in the assault case and that Rahman Khan is a witness for the prosecution in that case. In the Ankanahalli Murder case one of the accused is Chikappajappa

who is a congress member. Bhadragiri Gowda is a witness for the prosecution. In the Mattedoddi cases, Bhadragiri Gowda and B.T. Ramiah are interesting themselves to help the ryots against Nanjappa who is the complainant. Lawyer Ramachandra Rao is conducting prosecution against Abdul Khalak son of Karim Sab; lawyer Siddaramiah is assisting the prosecution in Ankanahalli Murder case while Rahman Khan is a witness against Abdul Khalak and Bhadragiri Gowda a witness for prosecution in the Ankanahalli murder case. Looking at the circumstances discussed above one is forced to the conclusion that the congress members like Nanjappa, Sivanna, Chikkanarasimhiah Reddy, his brother Subbiah Reddy and Karim Sab are adtively interesting themselves in making various attempts in and out of court to win their cases. In this connection it is significant to note that the persons who are alleged to have given the information forming the basis of the petition are all on the opposite side. It therefore appears to be highly improbable that those hostile parties would have proclaimed their own cards to the opposite side.

Regarding the conduct and character of the lawyers, Ramachandra Rao and Siddaramiah who have figured in these statements, the evidence is that they are honourable and upright members of the Bar and held in high esteem by their colleagues. For example Subba Rao (D.No.2) a senior lawyer of 25

years standing and the Secretary of the Law Association, Ramanagaram states: "I know Ramachandra Rao, son of Gopala Rao since his infancy; he is a lawyer of outstanding abilities on the criminal side and does not depend upon any unscrupulous methods either to get work or to maintain the prestige and position, he holds. His father was a leading criminal lawyer of this place, and under his guidance he has earned the same reputation as a leader of the criminal bar. Though young in age, he is appearing in all the heaviest criminal cases in this jurisdiction on one side or the other. He is held in high esteem by the members of the Bar and if any accusation is or has been made about his stooping to offer illegal gratification, it is a deliberate and mischievous lie, and is the outcome of personal differences."

"I know Mr.Siddaramiah, the young lawyer, who is a very good sportsman and an honest and straight forward gentleman. He has practically no cases in court; he is social and very amiable sort of gentleman and placed well in life, and does not stand in need of any propaganda to get work. My present opinion is that he is rather indifferent, does not work hard and does not even care to gather work.... knowing the gentleman as I do, it is unthinkable to suggest or impute that he is canvassing for work representing to the clientele that he is familiar with the Magistrate."

The Magistrate himself is held in high

esteem by the legal and official world in which he works and moves. The President of the Law Association (D.No.1) states that the Magistrate far from moving freely with others, is more reserved than what is expected and does not mix with anybody, nor does he accompany lawyers to the court; that he is working very hard, sometimes late in the day to accommodate the lawyers and to avoid inconvenience to the parties and witnesses, and that the reputation of the Magistrate is good in the sense that he is fair to the clients and witnesses and that all the lawyers including himself have a very high opinion of him. Subba Rao (D.No.2) states that so far as the social contact of the Magistrate with the members of the Bar outside the court is concerned his personal experience and the opinion of other members of the Bar has been that he is very reserved and does not want to mix with anybody. He also states that the Magistrate does not move with anybody except in the tennis court and the grievance, if at all, is that he assumes a reserved attitude and that it is a deliberate lie to suggest that any party or lawyer will be sent for by the Magistrate in connection with any case that is pending before him and to suggest that any lawyer offered or paid any bribe to him is a perversity of truth and a grave injustice to the reputation of a really honest and hard working gentleman as the Magistrate is found to be. In the opinion of the members of the Law Association Mr.Subba Rao continues that there is not a whisper about

the Magistrate receiving any illegal gratification, either from the members of the Bar or the litigant public ever since he took charge of the court about 10 months ago. Ramachandra Rao (R.No.1) states that the Magistrate is a gentleman of very high order and bears a sterling character. K.T.Srinivasan (D.No.3) who is the leader of the criminal Bar, states that he has confined himself wholly to criminal work and that he will be required to be in court almost fully during the court hours, that he always sees the Magistrate walking to the court alone and that on no occasion has he seen him accompanying lawyers or parties; he adds that the Magistrate is a gentleman of high principles with nobility of bearing and that it is unthinkable to impute any corruption to him. D.No.5 is L.Krishnaswamy Rao, a senior lawyer on the civil side, states that his impression is that the Magistrate is hard-working, that he is known to be impartial in the discharge of his duties; that he has personally a high opinion of his judicial honesty and integrity and that the allegations in the petition are absolutely scandalous, made by persons to serve their own ends. H.G.Hallappa (D.No.4) the Amildar of the Taluk, states that his impression gained from his contact with the public in the entire taluk is that the Magistrate is honest, efficient and impartial and that it is absolutely false that rumours that the Magistrate requires money to dispose of cases in favour of parties has spread throughout the taluk; he adds that the general temperament

of the Magistrate is of a reserved nature and that he does not mix with any other person, that he does not accompany any lawyers to the Court and that he has received no complaints oral or written touching the conduct of the Magistrate and that personally he has a good opinion about him. Dr.S.Krishnaswamy Rao (D.No. 6) is the Health Officer of the place and he is the neighbour of the Magistrate. He lives in a twin house adjoining that of the Magistrate and the front compound and the verandah are open and common to both the houses. His opinion is that the Magistrate is a man of limited conversation and of restricted association, that even in the club he does not enter into the premises but plays tennis and gets away, that at no time during his stay of about 2 months in the place has he seen the Magistrate moving with parties or lawyers, and he further adds that his own habit is to keep reading till about 11 P.M. and that it is absolutely false that any lawyer or party has visited the house of the Magistrate in odd hours and positively not before 11-30 P.M. His relations and the S.D.O. of the place visit him sometimes arriving in cars and these cars will be parked on the road side of the common compound of the twin houses, one of which is occupied by the Magistrate and that it is impossible for any outsider to make out, by merely seeing the cars outside whether the persons who have arrived in cars are the visitors to his house or to that of the Magistrate. The Magistrate examined as D.No.7, states that he is not aware that T.Madiah Gowda or B.T.Ramiah are connected with the Ankanahalli Murder case, that it is not true that Marisiddiah one of the accused in the Mattedoddi

Murder case, had seen him anywhere outside the Court. Lawyers Siddaramiah and Ramachandra Rao had sometimes approached him to pray for adjournments in some cases; but that Ramachandra Rao had not seen him after the assault case filed against Municipal President, Abdul Khalak; he further states that it is not true that he walks to court with lawyers, and that he walked with lawyer Ramachandra Rao on 5-11-1952, that no lawyer or party had ever come ~~xx~~ in a car. He suspects that Nanjappa might have instigated some people to file this petition making false allegations, possibly to induce the court to support his case as he had called him to order on 29-10-52 and on 5-11-1952 (when he was examined as a witness) as his behaviour was found to be inconsistent with the dignity of the court and as he was defying the questions put by the accused by asserting that he is not bound to answer (నాను హేళికరాగిద్దేను. నాను హేళిక రాగిద్దేను. ఇనాంవర్స్)

The episode in the court which is quite a common place and trivial occurrence but which appears to have been the source of all later vexatious developments is described by the lawyers who were present thus : The account given by Lawyer Ramachandra Rao is that the accused who was an old man of about 60 years, accosted Mr. Nanjappa who is an young man of about 30 years, in familiar terms frequently addressing him as ఓరయ్య నంజప్ప. Mr. Nanjappa felt annoyed at this and appealed to the Court that the accused might be directed to address him more respectfully. Thereafter the witness changed his mode of address and referred to the witness as నంజప్ప నవరే and cross-examined him about his official position, whether he had been dismissed therefrom and whether an enquiry was being made by the Anti-Corruption

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Department. The witness denied all these.

The other lawyer who was present in the court at the time when Mr. Nanjappa was examined as a witness is Mr. K.T.Srinivasan. He also says that the accused who was examining Mr. Nanjappa was an old man and that he sometimes addressed the witness as "నీను కింగనంబళ్ళి for which the witness took objection and appealed to the court to direct the accused not to address him in that fashion. The court observed that the accused was a villager and in view of his advanced age and the comparatively young age of the witness, an educated youngman like the witness, should not mind such reference. Mr. Srinivasan adds that the witness did not appear to be satisfied with the observation of the court and that the cross-examination continued and the same accused asked the witness questions about the job, he held in - Government, what pay he was drawing and whether he had a car conveyance then. The witness appeared to have been vexed by those questions and appealed to the court for protection from such questions, but the court observed that those questions have got to be answered. The witness seemed to be much dissatisfied with the Magistrate for having allowed such questions. That Nanjappa was dissatisfied by the attitude of the Magistrate is evident as Nanjappa himself admits that he was humiliated and that in his opinion the Magistrate is responsible for that. He echoes the same opinion in his further statement that he has not towards the Magistrate the same regard and affection which he had towards him before. His brother-in-law M.Siviah (S.No.12) states that as questions were permitted to be asked in court about home affairs, the Magistrate has humiliated

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the members of his house, and that he suspects that the Magistrate has got the questioned asked. B.Sivanna (S.No.6) states that during the examination of Nanjappa, he was asked very undignified and vexatious questions by the opposite party, but the Magistrate did not check them. Hanume Gowda (S.No.5) says that Marisiddiah, the accused in the Mattedoddi case was putting undesirable questions to the witness Nanjappa and that as the Magistrate did not intervene, he felt disgusted and signed the petition. There was thus enough cause for these people to complain against the Magistrate. Bhadriah (S.No.2) admits that the petition was written in the house of Nanjappa, who is the younger brother of the Chief Minister, that the said Nanjappa himself wrote the draft in Kannada, but did not sign it. Ramakrishniah (S.No.3) states that he signed the petition in the house of Nanjappa at Bangalore and Nanjappa does not specifically deny this; he evades by saying that he does not know that the petition was signed in his house.

In the face of these admissions of the signatories to the petition, it is not improbable to infer that the petition is inspired by Nanjappa who is aggrieved against the Magistrate. It is equally certain that K.Chickanarasimhiah Reddy, B.Shivanna, Karim Sab and Subbiah Reddy are the others who have actively aided in getting up the petition as already observed.

A careful consideration of the evidence makes it evident that most of the signatories neither knew the origin of the petition nor the allegations contained therein, but have simply signed the same, influenced by party-feelings or as a result of pressure brought to

bear

bear on them or by considerations of friendship. A good number of them do not even profess to know the allegations and the state that to their knowledge they are not true. None of them are able to substantiate the allegations far less have they any personal knowledge. A few of the signatories who have stated that they have seen or heard something have frankly confessed their inability to prove them. The conclusion that emerges from a consideration of these circumstances is that the allegations against the Magistrate are not only baseless and untrue but are highly mischievous and made maliciously without any reasonable cause.

Inevitably these allegations have provoked a far-reaching reaction. The Magistrate against whom these aspersions are cast is naturally hurt and wants a thorough investigation of the whole affair with a view to get the offenders suitably dealt with. Ramachandra Rao, Advocate (R.No.1) states that "it is necessary that people who make such false allegations should be brought to book in the interest of justice and fair name of judiciary in Mysore." K.T. Srinivasan, Advocate, (D.No.3) states that "the persons who are responsible for such allegations must be made to realise that they cannot with impunity make such allegations by taking suitable action against them in the interest of litigant public," and lastly Mr. Subba Rao who is a lawyer of 25 years' standing

standing, a member and the President of the Taluk Congress Committee since 1937, who was a member of the District Congress and its President for sometime and who is at present a member of the Mysore Provincial Congress Committee and who has every opportunity to know the developments in the Taluk expresses his opinion thus : "My feeling is that the petition is engineered by some signatories, actuated by some wire-pullers behind the scene, who purposely are keeping behind; and this is due to gratify their personal ends. Of late a situation is growing in this Taluk that some persons including the signatories to this petition are actively engaged in making propaganda that they can do and undo things in any department of Governmental activieis with the help of the elected representatives of the constituency" .....

"Lastly, I wish to suggest that in the interest of law and order and public safety that allegations of the kind mentioned in the petition to the Law Minister should be fully enquiried into and drastic action taken in order to create confidence in the interest of the honesty and integrity of the Judiciary."

Sd. N.Balakrishnaiya
10-12-52.